

representative for such unit under subsection (a) of this section, the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

### **(2) Restrictions**

#### **(A) Conditions requiring noncertification**

The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) of this section (disregarding section 7112(a) of title 5) have not been met; or

(ii) after the Secretary's exercise of authority and before certification under this section, a valid election under section 7111(b) of title 5 is held covering any employees who would be included in the unit proposed for certification.

#### **(B) Temporary waiver of provision that would bar an election after a collective bargaining agreement is reached**

Nothing in section 7111(f)(3) of title 5 shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

#### **(C) Clarification**

The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5 or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

### **(3) Delegation**

#### **(A) In general**

The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5) its authority under the preceding provisions of this subsection.

#### **(B) Review**

Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5 in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefor is filed by an affected party within the time specified in such provisions.

#### **(c) "Affected party" defined**

For purposes of this section, the term "affected party" means—

- (1) with respect to an exercise of authority by the Secretary under this chapter, any labor organization affected thereby; and
- (2) the Department of Agriculture.

(Pub. L. 103-354, title II, §291, Oct. 13, 1994, 108 Stat. 3235.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (c)(1), was in the original "this title", meaning title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

### **§ 7012. Purchase of American-made equipment and products**

#### **(a) Sense of Congress**

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased using funds made available pursuant to this chapter should be American-made.

#### **(b) Notice requirement**

In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this chapter, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) of this section by the Congress.

(Pub. L. 103-354, title II, §292, Oct. 13, 1994, 108 Stat. 3237.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

### **§ 7013. Proposed conforming amendments**

Not later than 180 days after October 13, 1994, the Secretary shall submit to Congress recommended legislation containing additional technical and conforming amendments to Federal laws that are required as a result of the enactment of this chapter.

(Pub. L. 103-354, title II, §295, Oct. 13, 1994, 108 Stat. 3238.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

### **§ 7014. Termination of authority**

#### **(a) In general**

Subject to subsection (b) of this section, the authority delegated to the Secretary by this chapter to reorganize the Department shall terminate on the date that is 2 years after October 13, 1994.

#### **(b) Functions**

Subsection (a) of this section shall not affect—

- (1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after October 13, 1994;

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App.; 7 U.S.C. 2201 note);

(3) the authority of an agency, office, officer, or employee of the Department to continue to perform all functions delegated or assigned to the entity or person as of that termination date;

(4) the authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs under section 7005 of this title; or

(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights, and delegate duties to the Assistant Secretary, under section 6918 of this title.

(Pub. L. 103-354, title II, § 296, Oct. 13, 1994, 108 Stat. 3238; Pub. L. 105-277, div. A, § 101(a) [title X, § 1001(4)], Oct. 21, 1998, 112 Stat. 2681, 2681-42; Pub. L. 107-171, title X, § 10704(c), May 13, 2002, 116 Stat. 518.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

Reorganization Plan No. 2 of 1953, referred to in subsec. (b)(2), is Reorg. Plan No. 2 of 1953, June 4, 1953, 18 F.R. 3219, 67 Stat. 633, as amended, which is set out as a note under section 2201 of this title.

#### AMENDMENTS

2002—Subsec. (b)(5). Pub. L. 107-171 added par. (5).

1998—Subsec. (b)(4). Pub. L. 105-277 added par. (4).

### SUBCHAPTER X—FREEDOM TO E-FILE

#### CODIFICATION

This subchapter was enacted as part of the Freedom to E-File Act, and not as part of the Department of Agriculture Reorganization Act of 1994 which in part comprises this chapter.

### § 7031. Electronic filing and retrieval

#### (a) In general

Not later than 180 days after June 20, 2000, in accordance with subsection (c) of this section, the Secretary of Agriculture (referred to in this subchapter as the “Secretary”) shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this subchapter as the “Department”) specified in subsection (b) of this section.

#### (b) Applicability

The agencies referred to in subsection (a) of this section are the following:

- (1) The Farm Service Agency.
- (2) The Natural Resources Conservation Service.
- (3) The rural development components of the Department included in the Secretary’s service center initiative regarding State and field office collocation implemented pursuant to section 6915 of this title.

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

#### (c) Implementation

In carrying out subsection (a) of this section, the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b) of this section; and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b) of this section—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies’ news, information, and program materials.

#### (d) Progress reports

Not later than 180 days after June 20, 2000, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

(Pub. L. 106-222, § 2, June 20, 2000, 114 Stat. 353.)

### § 7032. Accessing information and filing over the Internet

#### (a) In general

Not later than 2 years after June 20, 2000, in accordance with subsection (b) of this section, the Secretary shall expand implementation of the Internet-based system established under section 7031 of this title by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 7031(b) of this title.

#### (b) Implementation

In carrying out subsection (a) of this section, the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 7031(b) of this title;

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 7031(b) of this title and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

(Pub. L. 106-222, §3, June 20, 2000, 114 Stat. 354.)

**§ 7033. Availability of agency information technology funds**

**(a) Reservation of funds**

From funds made available for agencies of the Department specified in section 7031(b) of this title for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, \$3,000,000.

(2) For each subsequent fiscal year, \$2,000,000.

**(b) Time for reservation**

The Secretary shall notify Congress of the amount to be reserved under subsection (a) of this section for a fiscal year not later than December 1 of that fiscal year.

**(c) Use of funds**

**(1) Establishment**

Funds reserved under subsection (a) of this section shall be used to establish the Internet-based system required under section 7031 of this title and to expand the system as required by section 7032 of this title.

**(2) Maintenance**

Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

**(d) Return of funds**

Funds reserved under subsection (a) of this section and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

(Pub. L. 106-222, §4, June 20, 2000, 114 Stat. 354.)

**§ 7034. Federal Crop Insurance Corporation and Risk Management Agency**

**(a) In general**

Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this subchapter, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

**(b) Administration**

The plan shall—

(1) conform to sections 7031(c) and 7032(b) of this title; and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

**(c) Implementation**

Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a) of this section.

(Pub. L. 106-222, §5, June 20, 2000, 114 Stat. 355.)

**§ 7035. Confidentiality**

In carrying out this subchapter, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

(Pub. L. 106-222, §6, June 20, 2000, 114 Stat. 355.)

**CHAPTER 99—SHEEP PROMOTION, RESEARCH, AND INFORMATION**

Sec.	
7101.	Findings and declaration of policy. <ol style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Policy.</li> <li>(c) Construction.</li> </ol>
7102.	Definitions.
7103.	Issuance and amendment of orders. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Procedure.</li> <li>(c) Amendments.</li> </ol>
7104.	Required terms in orders. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Establishment and membership of Board.</li> <li>(c) Method for obtaining nominations.</li> <li>(d) Administration.</li> <li>(e) Powers and duties of Board.</li> <li>(f) Budgets.</li> <li>(g) Executive Committee.</li> <li>(h) Expenses, contracts, and agreements.</li> <li>(i) Assessments.</li> <li>(j) Books and records of Board.</li> <li>(k) Investment of funds.</li> <li>(l) Prohibition on use of funds.</li> <li>(m) Books and records.</li> <li>(n) Other terms and conditions.</li> </ol>
7105.	Referenda. <ol style="list-style-type: none"> <li>(a) Initial referendum.</li> <li>(b) Additional referenda.</li> <li>(c) Procedures.</li> </ol>
7106.	Petition and review. <ol style="list-style-type: none"> <li>(a) Petition.</li> <li>(b) Review.</li> </ol>
7107.	Enforcement. <ol style="list-style-type: none"> <li>(a) Jurisdiction.</li> <li>(b) Referral to Attorney General.</li> <li>(c) Civil penalties and orders.</li> <li>(d) Review by court of appeals.</li> <li>(e) Failure to obey orders.</li> <li>(f) Failure to pay penalties.</li> <li>(g) Additional remedies.</li> </ol>
7108.	Investigations and power to subpoena. <ol style="list-style-type: none"> <li>(a) Investigations.</li> <li>(b) Subpoenas, oaths, and affirmations.</li> <li>(c) Aid of courts.</li> <li>(d) Contempt.</li> </ol>